

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andrew JAMIESON

Application No.: 10/516,445

Filed: November 30, 2004

For: **Display Device and Funds  
Transaction Device Including The Display  
Device**

Confirmation No.: 2996

Art Unit: 3687

Examiner: FRENEL, VANEL

Atty. Docket: 2222.5970001

**Supplemental Brief on Appeal Under 37 C.F.R. § 41.37**

*Mail Stop Appeal Brief - Patents*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner issued a Non-Final Office Action dated December 17, 2009 ("Office Action"), reopening prosecution. The Office Action follows the filing of a Notice of Appeal dated June 17, 2009, Pre-Appeal Brief Review decision mailed August 4, 2009, and the Appeal Brief filed on August 31, 2009. Pursuant to M.P.E.P. Sections 1204.01 and 1207.04, Appellant has submitted, or submits herewith, another Notice of Appeal under 37 C.F.R. § 41.31, which fee under 37 C.F.R. § 41.20(b)(1) should be waived as being already paid for with the Notice of Appeal filed June 17, 2009. Appellant hereby files one copy of this Supplemental Appeal Brief, and requests that the required fee set forth in 37 C.F.R. § 41.20(b)(2) previously paid on August 31, 2009 be applied to this Appeal. This Supplemental Appeal Brief is in response to the Office Action, but not the Final Office Action of March 17, 2009.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

## Table of Contents

I.	Real Party In Interest (37 C.F.R. § 41.37(c)(1)(i)) .....	4
II.	Related Appeals and Interferences (37 C.F.R. § 41.37(c)(1)(ii)) .....	5
III.	Status of Claims (37 C.F.R. § 41.37(c)(1)(iii)) .....	6
IV.	Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv)) .....	7
V.	Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v)) .....	8
	A. Claim 33 .....	8
	B. Claim 48 .....	9
	C. Claim 55 .....	10
VI.	Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi)) .....	13
VII.	Argument (37 C.F.R. § 41.37(c)(1)(vii)) .....	14
	A. Rejection of claims 33-64 under 35 U.S.C. § 103(a) as allegedly being obvious over Chameleon in view of Lawlor .....	14
	1. The Examiner Bears the Burden of Establishing a Prima Facie Case of Obviousness Using Articulated Reasoning and Without Using Improper Speculation, Conjecture, and Hindsight .....	14
	2. Example Distinguishing Features of Claims 33, 48, and 55 .....	16
	3. The Rejection of Claims 33-64 is in Error and Must be Reversed Because the Examiner Has Improperly Interpreted the Technical Teachings of the Applied References .....	17
	a) The Examiner Misinterprets the Technical Teaching of Lawlor .....	18
	b) The Dependent Claims Are Also Not Taught By The Applied References .....	21
	c) Conclusion .....	22
	B. Conclusion .....	22
VIII.	Claims Appendix .....	23
IX.	Evidence Appendix .....	29
X.	Related Proceedings Appendix .....	30

***I. Real Party In Interest (37 C.F.R. § 41.37(c)(1)(i))***

The real party in interest in this appeal is Calabro Services Co. L.L.C., having its principal place of business at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808. An Assignment assigning all right, title, and interest in and to the patent application from the inventor to MCom Solutions, Inc. was recorded in the United States Patent and Trademark Office on November 30, 2004, at reel 016591, frame 0667. An Assignment assigning all right, title, and interest in and to the patent application from MCom Solutions, Inc. to Calabro Services Co. L.L.C. was recorded in the United States Patent and Trademark Office on March 8, 2007, at reel 018972, frame 0682.

***II. Related Appeals and Interferences (37 C.F.R. § 41.37(c)(1)(ii))***

To the best of the knowledge of Appellant, Appellant's legal representative, and Appellant's assignee, there are no other appeals, interferences, or judicial proceedings which are related to, directly affect, or be directly affected by or have a bearing on a decision by the Board of Patent Appeals and Interferences ("Board") in the pending appeal.

***III. Status of Claims (37 C.F.R. § 41.37(c)(1)(iii))***

This application was originally filed as U.S. Application No. 10/516,445 on November 30, 2004 with claims 1-32. This application claims benefit under 35 U.S.C. §371 to PCT/AU03/00543 filed on May 7, 2003, which claims benefit to Australian Application PS 2653 filed May 30, 2002. A Preliminary Amendment was filed November 30, 2004, in which claims 1-32 were cancelled and new claims 33-64 were added. A non-final Office Action issued November 2, 2008, in which claims 33-64 were rejected. An Amendment and Reply was filed December 31, 2008, in which claim 33 was amended. A final Office Action issued March 17, 2009, in which the amendment to claim 33 was entered, and claims 33-64 were finally rejected. An after final Reply was filed May 18, 2009, and on the same day a telephonic Interview was held with the Examiner. An Advisory Action issued June 9, 2009, in which the final rejection was sustained. A Pre Appeal Conference Argument was filed June 17, 2009. A Panel Decision sustaining the final rejection of all claims, and passing this application to appeal, issued August 4, 2009.

Appellant filed an Appeal Brief on August 31, 2009. The Examiner subsequently reopened prosecution and issued the Office Action. The instant Supplemental Appeal Brief is accompanied by a new Notice of Appeal initiating a new appeal per the provisions of M.P.E.P. §§ 1204.01 and 1207.04.

Claims 33-64 are pending. Claims 33-64 are rejected and are being appealed. Claims 1-32 have been previously cancelled. A copy of the claims on appeal can be found in the attached Claims Appendix as required under 37 C.F.R. § 41.37(c)(1)(viii).

*IV. Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv))*

No amendments have been filed subsequent to the Final Office Action dated March 17, 2009. All amendments to the claims previously presented during prosecution have been entered.

*V. Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v))*

A concise explanation of the subject matter recited in each of the independent claims on appeal (i.e., claims 33, 48, and 55) is provided below. The explanation refers to the specification, as presented in U.S. Published Patent Application 2005/0222925, which published October 6, 2005, by paragraph number and to the drawings by reference characters. Reference is made to example supporting embodiments disclosed in the specification, although it is understood that the claims should not be limited to the specific embodiments to which reference is made.

Claims 33, 48, and 55 recite, e.g., a display device, a financial transaction device, and a mobile telephone configured to perform financial and non-financial transactions.

*A. Claim 33*

Claim 33 recites a display device (e.g., FIGS. 1 and 2, element 20; para [0079]) for a personal device (e.g., personal device section FIG. 1, element 10) intended to perform financial transactions, as well as personal functions other than financial transactions. The display device comprises:

- a display (e.g., FIG. 2, element 24; para [0081]) for displaying information to a user; and
- a financial transaction controller (e.g., FIG. 1, element 26; para [0081]) coupled to the display (e.g., via display driver FIG. 1, element 30), wherein the financial transaction controller selectively allows the display and an input device to operate under the control of the personal device to enable personal functions other than



financial transactions to be performed (e.g., para [0085] "a mobile telephone call that is not a financial transaction"), and wherein the financial transaction controller assumes control of the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction (e.g., para [0086] "takes over command of the display 24 and keypad 12 so that they cannot operate under the command of the controlling electronics 11 of the mobile telephone.").

***B. Claim 48***

Claim 48 recites a financial transaction device for performing financial transactions, as well as personal functions other than financial transactions (e.g., the personal device of FIG. 1). The device comprises:

- an input device for the entry of data into the financial transaction device (e.g., FIGS. 1 and 2, element 12; para [0078]);
- a display for displaying information to a user (e.g., FIGS. 1 and 2, element 24; para [0081]);
- a financial transaction controller (e.g., FIG. 1, element 26; para [0081]) coupled to the display (e.g., via display driver FIG. 1, element 30) and the input device (e.g., via processing unit FIG. 1, element 28); and
- a personal device (e.g., FIG. 1, element 10; para [0078]) including controlling electronics coupled to the financial transaction controller (e.g., FIG. 1, element 11; para [0080]),

- wherein the personal device is configured to control the financial transaction device to perform personal functions other than financial transactions (e.g., para [0085] "In order to perform a mobile telephone call that is not a financial transaction, the mobile telephone is used in the conventional way. In this condition, the controlling electronics 11 is coupled to the display driver 30 and to the display 24 by the processor 28."), and
- wherein the financial transaction controller selectively allows the display and the input device to operate under the control of the controlling electronics to enable personal functions other than financial transactions (e.g., para [0085] "a mobile telephone call that is not a financial transaction"), where the financial transaction controller assumes control of the display and the input device to prevent the controlling electronics from accessing the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction (e.g., para [0086] "takes over command of the display 24 and keypad 12 so that they cannot operate under the command of the controlling electronics 11 of the mobile telephone.").

*C. Claim 55*

Claim 55 recites a mobile telephone for performing financial transactions, as well as mobile telephone calls other than financial transactions (e.g., the personal device of FIG. 1). The mobile telephone comprises:

- an input device for the entry of data into the mobile telephone (e.g., FIGS. 1 and 2, element 12; para [0078]);

- a display for displaying information to a user (e.g., FIGS. 1 and 2, element 24; para [0081]);
- controlling electronics (e.g., FIG. 1, element 11) for enabling a mobile telephone call to be performed with the mobile telephone (e.g., para [0085] "In order to perform a mobile telephone call that is not a financial transaction, the mobile telephone is used in the conventional way. In this condition, the controlling electronics 11 is coupled to the display driver 30 and to the display 24 by the processor 28.");
- a financial transaction controller (e.g., FIG. 1, element 26; para [0081]) coupled to the display (e.g., via display driver FIG. 1, element 30),
- wherein the financial transaction controller selectively allows the input device and the display to be coupled to the controlling electronics to enable mobile telephone calls other than financial transactions (e.g., para [0085] "a mobile telephone call that is not a financial transaction"), and
- wherein the financial transaction controller disconnects the controlling electronics from the display and the input device and assumes control of the display and the input device to perform a financial transaction (e.g., para [0086] "the processing unit ... acts to disconnect the display 24 and keypad 12 from the controlling electronics 11 of the mobile telephone and also takes over command of the display 24 and keypad 12 so that they cannot operate under the command of the controlling electronics 11 of the mobile telephone.").

Each of independent claims 33, 48, and 55 find support *at least* in the above-referenced sections of the Specification. The remaining claims draw support from the aforementioned sections of the Specification.

***VI. Grounds of Rejection to be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi))***

In the Office Action the Examiner rejected claims 33-64 under 35 U.S.C. § 103(a) as allegedly being obvious over PCT Published Application WO01/24123 to Chameleon Network ("Chameleon") in view of U.S. Pat. No. 6,202,054 to Lawlor et al. ("Lawlor"). Accordingly, the sole ground of rejection to be reviewed on appeal is whether claims 33-64 would have been obvious over Chameleon in view of Lawlor under 35 U.S.C. § 103(a).

**VII. Argument (37 C.F.R. § 41.37(c)(1)(vii))**

There is one ground of rejection to be reviewed on appeal.

**A. Rejection of claims 33-64 under 35 U.S.C. § 103(a) as allegedly being obvious over Chameleon in view of Lawlor**

The Examiner rejected claims 33-64 under 35 U.S.C. § 103(a) in the Office Action as allegedly being obvious over Chameleon in view of Lawlor. Appellant respectfully appeals from this rejection.

**1. The Examiner Bears the Burden of Establishing a Prima Facie Case of Obviousness Using Articulated Reasoning and Without Using Improper Speculation, Conjecture, and Hindsight**

The Examiner has failed to meet the burden of establishing a prima facie case of obviousness based on the teachings or suggestions of the applied references. Rather, the Examiner misinterprets the technical teachings of Lawlor and provides conclusory statements, without any articulated reasoning with some rational underpinning, and relies upon what can only be seen as impermissible speculation, conjecture, and hindsight.

The Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-73, 223 U.S.P.Q. 785, 787-88 (Fed. Cir. 1984). The Examiner has failed to meet this burden. Without more evidence of unpatentability, Appellant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

The Board recently articulated an aspect of the Examiner's burden when establishing a rejection for obviousness in *Ex parte Competitive Technologies, Inc.*, Appeal No. 2009-005519, Reexamination Control 90/008,305 at page 6 (B.P.A.I. 2009):

When determining whether a claim is obvious, an Examiner must make "a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Int'l. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)).

Furthermore, as the Supreme Court recently stated, "there must be some *articulated reasoning* with some *rational underpinning* to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)). In *KSR* the Court noted that "[t]o facilitate review, this analysis should be made explicit." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere *conclusory statements*; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness")). *Id.* (emphasis added). Finally, the Supreme Court also confirmed that, "[a] fact finder should be aware, of course, of the distinction caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742 (2007).

Further, the Board recently held an Examiner cannot rely on speculation of what the reference *may* be teaching using conclusory statements. In an exemplary post-KSR BPAI decision, *Ex Parte Kamran Ahmed*, Appeal 2007-2765, App. 09/526,442, Decided Feb. 11, 2008 at page 6, the Board opined "Further, a rejection based on section 103 must rest upon a factual basis rather than conjecture, or speculation. 'Where the legal conclusion [of obviousness] is not supported by the facts it cannot stand.' (quoting *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967)). See also *In re Kahn*, 441 F.3d at 988." Also, on page 10 of *Ex*

*Parte Ahmed*, the Board held the Examiner relied on improper speculation, and reversed the obviousness rejection.

For example, in the Office Action, as discussed in more detail below, the Examiner has provided ambiguous statements on how the applied references are being used to suggest various features of the claims. The Examiner has provided no "articulated reasoning" to allow Appellant to properly address the Examiner's concerns.

## ***2. Example Distinguishing Features of Claims 33, 48, and 55***

Claims 33, 48, and 55 recite features that distinguish over the applied references.

For example, claim 33 recites:

a financial transaction controller coupled to the display, wherein the financial transaction controller selectively allows the display and an input device to operate under the control of the personal device to enable personal functions other than financial transactions to be performed, and wherein the financial transaction controller assumes control of the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction

claim 48 recites:

wherein the financial transaction controller selectively allows the display and the input device to operate under the control of the controlling electronics to enable personal functions other than financial transactions, where the financial transaction controller assumes control of the display and the input device to prevent the controlling electronics from accessing the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction



and claim 55 recites:

wherein the financial transaction controller selectively allows the input device and the display to be coupled to the controlling electronics to enable mobile telephone calls other than financial transactions, and

wherein the financial transaction controller disconnects the controlling electronics from the display and the input device and assumes control of the display and the input device to perform a financial transaction

As will be discussed in greater detail below, the applied references fail to establish a prima facie case of obviousness because the applied references fail to properly teach or suggest at least the above-noted distinguishing features.

**3. *The Rejection of Claims 33-64 is in Error and Must be Reversed Because the Examiner Has Improperly Interpreted the Technical Teachings of the Applied References***

Appellant submits that the Examiner has construed Chameleon and Lawlor too broadly, and is reading into these references subject matter which is not disclosed therein, but rather what is disclosed in the pending claims. Appellant respectfully asserts that the Examiner's statements regarding Lawlor improperly and impermissibly go beyond the disclosure of the reference and, rather than any evidence of record, find their basis only in speculation and hindsight.

Chameleon is directed to a Pocket Vault used to store different media, including financial (e.g., a credit or debit card) and non-financial media (e.g., a drivers license or library card). (Chameleon, 21:1-4). On page 3 of the Office Action, the Examiner states Chameleon does not teach or suggest at least the above-noted distinguishing features, and

rather states Lawlor allegedly suggests these features. However, Appellant cannot find at least the above-noted distinguishing feature of claims 33, 48, and 55 taught or suggested in either reference.

Appellant notes that the Examiner's characterization of Chameleon as "Applicant's Admitted prior art" in Section 4 of the Office Action is improper. As indicated in the Information Disclosure Statement of November 30, 2004, in which Chameleon was first cited, the submission of Chameleon "does not constitute an admission that each or all of the listed documents are material or constitute 'prior art.'" Rather, Appellant reserves the right to take appropriate action to establish the patentability of the claims over any document cited in an Information Disclosure Statement.

*a) The Examiner Misinterprets the Technical Teaching of Lawlor*

The Examiner does not rely on Chameleon in the Office Action as allegedly teaching or suggesting at least the above-noted distinguishing claimed features. Rather, the Examiner relies exclusively on Lawlor.

The Examiner's argument for obviousness of claims 33, 48, and 55 with regard to the Lawlor reference is a citation to Lawlor at Abstract; FIGs. 3, 5, and 6; and 18:35-50. Neither Lawlor as a whole, nor specifically these referenced portions, either alone or in combination with Chameleon, serves to teach or suggest at least the aforementioned distinguishing features of claims 33, 48, and 55.

The Lawlor Abstract discloses only that a portable terminal, having a display and keys, is used by users to interface with a central computer for providing financial services.

(Lawlor, Abstract). FIG. 3 is a drawing of the terminal device showing an integrated handset 100. (Lawlor, FIG. 3). FIGs. 3A-3E show various display modes of the terminal device. (Lawlor, FIGs. 3A-3E). FIGs. 5A-5B show a schematic block diagram of the terminal device. (Lawlor, FIGs. 5A-5B, 25:27-38). However, none of these aspects of Lawlor teach or suggest at least the aforementioned distinguishing features of claim s 33, 48, and 55, nor does the Examiner provide any *articulated reasoning with rational underpinning* as to where any such teaching or suggestion may be found.

FIGs. 6A-6C show schematic diagrams of the keypad of the terminal device. Notably, the design is concerned with "[a]n inexpensive way to provide a dual function keypad 114 such that the keypad interfaces essentially independently with *both* terminal 54 and the telephone DTMF tone generator 138." (Lawlor, 27:52-55). The Lawlor design incorporates dual contact portions, such that "one of the contact portions 202 is connected to telephone DTMF block 138 while the other contact portion 204 is connected to microcontroller 116." (Lawlor, 27:58-62).

A keypress signal in Lawlor is therefore received by *both* the terminal microcontroller and the DTMF tone generator. A signal being received by *both* the terminal microcontroller and the DTMF tone generator cannot be said to teach or suggest "*wherein the financial transaction controller assumes control of the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction,*" as recited in claim 33, and analogous features of claim 48. Likewise, the disclosure in Lawlor cannot be said to teach or suggest "*wherein the financial transaction controller disconnects the controlling*

*electronics from the display and the input device and assumes control of the display and the input device to perform a financial transaction,"* as recited in claim 55. There is no suggestion whatsoever in Lawlor regarding the claimed prevention of tampering with or tapping off of data entered into the input device. Thus, one skilled in the art would find no suggestion of at least the aforementioned distinguishing claim features in Lawlor.

Any combination of Lawlor with Chameleon would also not operate for the Examiner's intended purpose. The disclosure in Lawlor may create a situation which facilitates this type of security breach (e.g., data may be tapped into from the DTMF tone generator), which is in contrast to what is being claimed.

Finally, the Examiner cites to Lawlor at 18:35-50, which also fails to provide any teaching or suggestion of at least the above noted distinguishing features of claims 33, 48, and 55. This cited section of Lawlor describes the general architecture of Lawlor's *central computer*, which teaching is not only separate from the context of the Examiner's other citations, but also does not teach or suggest at least the aforementioned distinguishing features of claims 33, 48, and 55.

Accordingly, it cannot be the case, absent the use of impermissible speculation, conjecture, or hindsight by the Examiner of what is taught by Lawlor, that Lawlor teaches or suggests at least the above-noted distinguishing features of claims 33, 48, and 55, either alone or in combination with Chameleon.

***b) The Dependent Claims Are Also Not Taught By The Applied References***

Claims 34-47, 49-54, and 56-64 are also not rendered obvious by the combination of Chameleon and Lawlor for at least the same reasons as claims 33, 48, and 55, from which they respectively depend, and further in view of their own respective features.

**c) Conclusion**

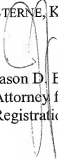
Accordingly, the Examiner has not met the standard for establishing an obviousness rejection, as articulated by the Supreme Court in *KSR*, and further explained in many lower court and Board decisions. Therefore, the Examiner has failed to establish a prima facie case of obviousness as to claims 33-64. For at least these reasons, Appellant respectfully requests the reconsideration and reversal of the rejection of claims 33-64 under 35 U.S.C. § 103(a) over Chameleon and Lawlor.

**B. Conclusion**

The subject matter of claims 33-64 is patentable over the applied references because the Examiner has failed to establish a prima facie case of obviousness. Therefore, Appellant respectfully requests that the Board reverse the Examiner's rejection of these claims under 35 U.S.C. § 103 and remand this application for issue.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Jason D. Eisenberg  
Attorney for Appellant  
Registration No. 43,447

Date: 3/3/10

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

1070071\_1.DOC

*VIII. Claims Appendix*

33. A display device for a personal device intended to perform financial transactions as well as personal functions other than financial transactions, the display device comprising:

a display for displaying information to a user; and

a financial transaction controller coupled to the display, wherein the financial transaction controller selectively allows the display and an input device to operate under the control of the personal device to enable personal functions other than financial transactions to be performed, and wherein the financial transaction controller assumes control of the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction.

34. The display device of claim 33, wherein the financial transaction controller is an electronic funds transfer point of sale (EFTPOS) controller that includes a processor, a display driver connected to the processor and a secure memory coupled to the processor, and wherein the secure memory stores secure data and the processor is coupled to the display by the display driver.

35. The display device of claim 34, wherein the personal device includes controlling electronics, and wherein the display device includes circuitry for coupling the processor to the input device and the controlling electronics of the personal device.

36. The display device of claim 33, wherein the financial transaction controller is physically attached to the display.

37. The display device of claim 33, wherein the financial transaction controller is integrated with the display.

38. The display device of claim 33, wherein the financial transaction controller is integrated with the display by connecting the financial transaction controller to a printed circuit board (PCB) that includes a display driver for controlling the display.

39. The display device of claim 33, wherein the display is a liquid crystal display (LCD) having a glass face and the financial transaction controller is directly mounted onto the glass face of the LCD by a chip on glass process.

40. The display device of claim 35, wherein the display device is coupled to the controlling electronics of the personal device by a zero insertion force connector, and wherein disconnection of the display device from the controlling electronics provides a trigger signal that causes data within the financial transaction controller to be erased to prevent unauthorized access of the data.

41. The display device of claim 40, wherein a circuit loop-back in the zero insertion force connector provides the trigger signal to the financial transaction controller, and wherein the data includes a banking key.

42. The display device of claim 33, wherein the input device is a keypad.

43. The display device of claim 33, wherein the financial transaction controller is an application specific integrated circuit (ASIC).

44. The display device of claim 33, wherein the financial transaction controller is a hybrid circuit.

45. The display device of claim 33, wherein the financial transaction controller is configured to selectively control a plurality of different displays that may be used in different types of personal devices.



46. The display device of claim 33, wherein the personal device includes a communication circuit for transmitting data relating to the financial transactions to a financial transaction network and for receiving data from the financial transaction network.

47. The display device of claim 33, wherein the personal device includes an input for activation by an operator to place the display device in a secure condition for performing a financial transaction.

48. A financial transaction device for performing financial transactions as well as personal functions other than financial transactions, the device comprising:

an input device for the entry of data into the financial transaction device;

a display for displaying information to a user;

a financial transaction controller coupled to the display and the input device; and

a personal device including controlling electronics coupled to the financial transaction controller,

wherein the personal device is configured to control the financial transaction device to perform personal functions other than financial transactions, and

wherein the financial transaction controller selectively allows the display and the input device to operate under the control of the controlling electronics to enable personal functions other than financial transactions, where the financial transaction controller assumes control of the display and the input device to prevent the controlling electronics from accessing the display and the input device to prevent tampering with or tapping off of data entered into the input device or stored in the financial transaction controller during a financial transaction.

49. The device of claim 47, wherein the financial transaction controller includes a processor, a display driver coupled to the processor and a secure memory coupled to the processor, and wherein the secure memory stores secure data and the processor is coupled to the display by the display driver.

50. The device of claim 48, wherein the financial transaction controller is physically attached to the display.

51. The device of claim 48, wherein the financial transaction controller is integrated with the display.

52. The device of claim 48, wherein the financial transaction controller is integrated with the display by connecting the financial transaction controller to a printed circuit board (PCB) that includes a display driver for controlling the display.

53. The device of claim 48, wherein the display is a liquid crystal display (LCD) having a glass face and the financial transaction controller is directly mounted onto the glass face of the LCD by a chip on glass process.

54. The device of claim 48, wherein the controlling electronics include a communication circuit for transmitting and receiving information.

55. A mobile telephone for performing financial transactions as well as mobile telephone calls other than financial transactions, the mobile telephone comprising:

an input device for the entry of data into the mobile telephone;

a display for displaying information to a user;

controlling electronics for enabling a mobile telephone call to be performed with the mobile telephone;

a financial transaction controller coupled to the display,

wherein the financial transaction controller selectively allows the input device and the display to be coupled to the controlling electronics to enable mobile telephone calls other than financial transactions, and

wherein the financial transaction controller disconnects the controlling electronics from the display and the input device and assumes control of the display and the input device to perform a financial transaction.

56. The telephone of claim 55, wherein the financial transaction controller is an electronic funds transfer point of sale (EFTPOS) controller that includes a processor, a display driver coupled to the processor and a secure memory coupled to the processor, and wherein the secure memory stores secure data and the processor is coupled to the display by the display driver.

57. The telephone of claim 56, wherein the processor is also coupled to the input device and the controlling electronics of the personal device.

58. The telephone of claim 55, wherein the financial transaction controller is physically attached to the display.

59. The telephone of claim 55, wherein the financial transaction controller is integrated with the display.

60. The telephone of claim 55, wherein the financial transaction controller is integrated with the display by connecting the financial transaction controller to a printed circuit board (PCB) that includes a display driver for controlling the display.

61. The telephone of claim 55, wherein the display is a liquid crystal display (LCD) having a glass face and the financial transaction controller is directly mounted onto the glass face of the LCD by a chip on glass process.

62. The telephone of claim 55, wherein the financial transaction controller enables communication between the controlling electronics, the display and the input device during the performance of personal functions other than financial transactions.

63. The telephone of claim 55, wherein the controlling electronics cannot access the display or the input device during a financial transaction, and wherein the financial transaction controller communicates with the controlling electronics to facilitate data

transmission and reception for a financial transaction in a mobile telephone call to a financial system network.

64. The telephone of claim 55, wherein the input device is a keypad.

*IX. Evidence Appendix*

To the best of the knowledge of Appellant, Appellant's legal representative, and Appellant's assignee, there has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor has any other evidence been entered in the record by the Examiner and relied upon in this Appeal Brief.

***X. Related Proceedings Appendix***

To the best of the knowledge of Appellant, Appellant's legal representative, and Appellant's assignee, there are no decisions rendered by a court or the board because, as identified above, to the best of the knowledge of Appellant, Appellant's legal representative, and Appellant's assignee, there are no other appeals, interferences, or judicial proceedings which may related to, directly affect, or be directly affected by or have a bearing on a decision by the Board in the pending appeal.